

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/785,508	MOSES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sherry L. Estremsky	3681	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed February 24, 2004.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 24 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                     | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-12 are allowed.
2. The following is an examiner's statement of reasons for allowance:

No reference nor combination of references was found which teaches a hybrid powertrain including two torque sources, a transmission including a pump for pumping oil in response to torque from one of the torque sources, and a third source of torque for operating a rotor of the pump when the pump is not being operated by the other two torque sources, as required by claim 1.

No reference nor combination of references was found which teaches an oil pump driving device including one wheel driven by an engine, a main pump shaft offset from the axis of the engine driven wheel, and a second wheel driven by the engine driven wheel, wherein a freewheeler clutch is between the second wheel and the pump shaft and an electric motor is connected to the pump shaft, as required by claim 5.

No reference nor combination of references was found which teaches a hybrid powertrain including two torque sources, a transmission including a pump with a rotor selectively rotated at a first speed in response to torque from one of the torque sources, and a third source of torque for selectively operating the rotor of the pump at a second speed, wherein the rotor is rotated by the one of the two torque sources or the third torque source in response to which of the first and second speeds is higher, as required by claim 9.

No reference nor combination of references was found which teaches a powertrain for a vehicle including a pump drive shaft drivably connected to an oil pump rotor at a first portion, drivably connected to an electric motor at a second portion, and selectively drivably connected to

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a shaft of a hybrid power transmission integrating first and second sources of torque, wherein the pump rotor is driven by the transmission shaft when the transmission shaft rotates in one direction, and the pump drive shaft is driven by the electric motor when the transmission shaft is not rotating in the one direction, as required by claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent 5,799,744 (Yamaguchi et al.) September 1998 - discloses a hybrid vehicle powertrain with an oil pump selectively driven by the faster of an engine output shaft or an output shaft of a planetary differential which integrates rotation of the engine with output rotation of a motor.

U. S. Patent 5,823,282 (Yamaguchi et al.) October 1998 - discloses an oil pump driving device including a pump drive wheel driven by an engine, a pump shaft offset from the axis of the drive wheel, a pump-driven wheel drivable by the drive wheel, a freewheeler clutch between the pump shaft and the pump-driven wheel, and an electric motor selectively connectable to the pump shaft.

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U. S. Patent 6,575,865 (Takenaka et al.) June 2003 - discloses a hybrid vehicle powertrain with an oil pump selectively driven by the faster of an engine output shaft or an output shaft of a planetary differential which integrates rotation of the engine with output rotation of a motor.

U. S. Patent 6,638,022 (Shimabukuro et al.) October 2003 - discloses a hybrid vehicle powertrain using one pump driven by the engine and a second pump driven by an electric motor.

U. S. Patent 6,656,083 (Esaki) December 2003 - discloses a hybrid vehicle powertrain with an oil pump selectively driven by a traction motor through a freewheeler clutch or by an engine starting motor through a freewheeler clutch and driving and driven sprockets connected by a chain.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherry L. Estremsky whose telephone number is (571) 272-7090. The examiner can normally be reached on Tuesday and Friday from 7:30 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLE

  
SHERRY ESTREMSKY  
PRIMARY EXAMINER  
A13681 6-21-05